

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

Doe(s)

vs.

**Virginia Polytechnic Institute and State University,
et al**

Action No: 7:18CV170,
7:18CV320, 7:18CV492, 7:18CV523

Date: 4/12/2019

Judge: Elizabeth K. Dillon

Court Reporter: J. Webb

Deputy Clerk: B. Davis

Plaintiff Attorneys

Jesse R. Binanall
Philip A. Byler
Tara Davis
Lindsay R. McKasson

Defendant Attorneys

Katherine Londos
Nathan Schnetzler

PROCEEDINGS:

Hearing held on 7:18CV170, Defendants' [34] Motion to Dismiss for Failure to State a Claim, Motion to Dismiss for Lack of Jurisdiction, and Plaintiff's [55] Motion to Amend Complaint; 7:18CV320, Defendants' [34] Motion to Dismiss for Failure to State a Claim, Motion to Dismiss for Lack of Jurisdiction and Plaintiff's [54] Motion for Leave to File Amended Complaint; 7:18CV492, Plaintiff's [7] Motion for Leave to Proceed Under Pseudonym, Defendant Anthony Scott's [16] Motion to Dismiss for Failure to State a Claim and Lack of Subject Matter Jurisdiction, Defendants' [18] Motion to Dismiss for Lack of Jurisdiction, Defendants' [21] Motion to Dismiss for Failure to State a Claim, Defendant Katie Bylenga's [25] Motion to Dismiss Pursuant to Rule 12(b)(5), Plaintiff's [39] Motion for Leave to File Amended Complaint; 7:18CV523, Plaintiff's [7] Motion for Leave to Proceed Under Pseudonym, Defendants' [15] Motion to Dismiss for Lack of Jurisdiction, Defendants' [18] Motion to Dismiss for Failure to State a Claim, Plaintiff's [31] Motion for Leave to File Amended Complaint.

The Court grants 7:18CV492, Plaintiff's [7] Motion for Leave to Proceed Under Pseudonym and 7:18CV523, Plaintiff's [7] Motion for Leave to Proceed Under Pseudonym by agreement of Counsel. The Court grants 7:18CV492, Defendant Anthony Scott's [16] Motion to Dismiss for Failure to State a Claim and Lack of Subject Matter Jurisdiction by agreement of counsel and he is hereby dismissed from all counts. The court dismisses with prejudice the negligence claims in each case by agreement of counsel. The Court grants the dismissal as to the breach of contract claims without prejudice, and, by agreement, the Title IX claims against all defendant except Virginia Polytechnic Institute and State University. Defense Counsel notes Ms. Bylenga withdraws her [25] Motion to Dismiss Pursuant to Rule 12(b)(5), and her counsel agrees to accept service on her behalf. The Court rules the motion is withdrawn.

Arguments from Counsel on 7:18CV170, Defendants' [34] Motion to Dismiss for Failure to

State a Claim, Motion to Dismiss for Lack of Jurisdiction; 7:18CV320, Defendants' [34] Motion to Dismiss for Failure to State a Claim, Motion to Dismiss for Lack of Jurisdiction; 7:18CV492, Defendants' [18] Motion to Dismiss for Lack of Jurisdiction, Defendants' [21] Motion to Dismiss for Failure to State a Claim; 7:18CV523, Defendants' [15] Motion to Dismiss for Lack of Jurisdiction, and Defendant's [18] Motion to Dismiss for Failure to State a Claim.

Arguments from Counsel on 7:18CV170, Plaintiff's [55] Motion to Amend Complaint; 7:18CV320, Plaintiff's [54] Motion for Leave to File Amended Complaint; 7:18CV492, Plaintiff's [39] Motion for Leave to File Amended Complaint; 7:18CV523, Plaintiff's [31] Motion for Leave to File Amended Complaint.

The Court takes 7:18CV170, Defendants' [34] Motion to Dismiss for Failure to State a Claim, Motion to Dismiss for Lack of Jurisdiction; 7:18CV320, Defendants' [34] Motion to Dismiss for Failure to State a Claim, Motion to Dismiss for Lack of Jurisdiction; 7:18CV492, Defendants' [18] Motion to Dismiss for Lack of Jurisdiction, Defendants' [21] Motion to Dismiss for Failure to State a Claim; 7:18CV523, Defendants' [15] Motion to Dismiss for Lack of Jurisdiction, and Defendant's [18] Motion to Dismiss for Failure to State a Claim; 7:18CV170, Plaintiff's [55] Motion to Amend Complaint; 7:18CV320, Plaintiff's [54] Motion for Leave to File Amended Complaint; 7:18CV492, Plaintiff's [39] Motion for Leave to File Amended Complaint; 7:18CV523, Plaintiff's [31] Motion for Leave to File Amended Complaint under advisement.

Time in Court: 8:59a – 10:49a, 10:57a – 11:34a (2 hours 30 min)